

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of : **Attn: Certificate of Correction Branch**  
Edwin SOUTHERN : Attorney Docket No. 2004\_0200  
Patent No. 7,888,494 : **Confirmation No. 1112**  
Issued February 15, 2011 :  
ANALYZING POLYNUCLEOTIDE  
SEQUENCES

---

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 1.322**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 CFR 1.322, it is respectfully requested that a Certificate of Correction issue to correct the following:

Page 1, Section (73) Assignee, please change "Oxford Gene Therapy Limited, Oxford (GB)" to -- Oxford Gene Technology Limited, Oxford (GB) --.

Column 42, claim 11, line 3, please change "to be analyzed or a" to -- or --;  
line 6, after "polynucleotide" insert -- or fragment thereof --;  
line 8, after "fragment" insert -- thereof does not hybridize --.

Column 42, claim 12, line 4, please delete "the" (first occurrence).

Column 44, claim 21, line 2, please delete "to be analyzed";  
line 3, delete "a";

line 5, change “analysing” to -- analyzing --; and after “polynucleotide” insert -- or fragment thereof --;

line 7, after “fragment” insert -- thereof does not hybridize --.

Column 44, claim 22, line 4, please delete “the” (first occurrence).

## REMARKS

The correction to the Assignee name is supported by the Issue Fee Transmittal Form. All corrections to the claims are supported by the Corrected Notice of Allowance mailed January 11, 2011, a copy of which is enclosed herewith. Please note that the issued patent claims 11, 12, 21 and 22 correspond to claims 97-100, respectively, which are set forth in the Corrected Notice of Allowance.

Each of the errors listed above apparently arose due to PTO Mistakes. Accordingly, a Certificate of Correction should issue at no expense to patentee. Accordingly, a Certificate of Correction is respectfully requested and Form PTO-1050 accompanies this request.

Respectfully submitted,

Edwin SOUTHERN

/Warren M.  
Cheek/

By

Warren M. Cheek  
Registration No. 33,367  
Attorney for Patentee

Digitally signed by /Warren M.  
Cheek/  
DN: cn=/Warren M. Cheek/, o, ou,  
email=wcheek@wenderoth.com,  
c=US  
Date: 2011.03.01 14:20:54 -05'00'

WMC/dlk  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 1, 2011

To: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO : 7,888,494  
DATED : February 15, 2011  
INVENTOR(S) : Edwin SOUTHERN

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Page 1, Section (73) Assignee, please change "Oxford Gene Therapy Limited, Oxford (GB)" to -- Oxford Gene Technology Limited, Oxford (GB) --.

Column 42, claim 11, line 3, please change "to be analyzed or a" to -- or --;

line 6, after "polynucleotide" insert -- or fragment thereof --;

line 8, after "fragment" insert -- thereof does not hybridize --.

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line 3, delete "a";

line 5, change "analysing" to -- analyzing --; and after "polynucleotide" insert -- or fragment thereof --;

line 7, after "fragment" insert -- thereof does not hybridize --.

Column 44, claim 22, line 4, please delete "the" (first occurrence).

Wenderoth, Lind & Ponack, L.L.P.  
1030 15<sup>th</sup> Street, N. W., Suite 400 East  
Washington, D.C. 20005-1503

PATENT NO. 7,888,494

No. of additional copies: None



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

**CORRECTED  
NOTICE OF ALLOWANCE AND FEE(S) DUE**

513

7590

01/11/2011

WENDEROTH, LIND & PONACK, L.L.P.  
1030 15th Street, N.W.,  
Suite 400 East  
Washington, DC 20005-1503

EXAMINER

SKIBINSKY, ANNA

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 01/11/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,467	02/06/2004	Edwin Southern	2004_0200	1112

TITLE OF INVENTION: ANALYSING POLYNUCLEOTIDE SEQUENCES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$0	\$0	\$0	00/00/0000

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** NEITHER A NOTICE OF ALLOWANCE NOR A CORRECTED NOTICE OF ALLOWANCE IS A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND ANY PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THE THREE MONTH PERIOD BEGINNING ON THE MAILING DATE OF THE PREVIOUSLY-MAILED NOTICE OF ALLOWANCE AND ENDING ON THE DATE DUE SHOWN ON THIS FORM, OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. MAILING OF THIS CORRECTED NOTICE OF ALLOWANCE DOES NOT CHANGE THE DATE DUE OF THE ISSUE FEE (AND ANY REQUIRED PUBLICATION FEE). IF A REPLY (WITH PAYMENT OF THE ISSUE FEE AND ANY PUBLICATION FEE) WAS FILED IN RESPONSE TO THE PREVIOUSLY-MAILED NOTICE OF ALLOWANCE, THEN NO FURTHER REPLY IS REQUIRED FROM APPLICANT.

All communications regarding this application must include the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE, unless advised to the contrary.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,467	02/06/2004	Edwin Southern	2004_0200	1112
513	7590	01/11/2011		
WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503			EXAMINER SKIBINSKY, ANNA	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 01/11/2011

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1289 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1289 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/772,467	SOUTHERN, EDWIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	ANNA SKIBINSKY	1631	

  

All participants (applicant, applicant's representative, PTO personnel):

(1) ANNA SKIBINSKY. (3) \_\_\_\_\_

(2) Warren Cheek, attorney. (4) \_\_\_\_\_

Date of Interview: 02 December 2010.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 86, 97 and 99.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Attorney noted that the phrase "thereof does not hybridize" was inadvertently dropped from the end of claims 97 and 99 when said claims were introduced by Examiner's amendment. Also, claim 86 was omitted in the Notice of Allowability.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b).

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



**Notice of Allowability**

Application No.

10/772,467

Examiner

ANNA SKIBINSKY

Applicant(s)

SOUTHERN, EDWIN

Art Unit

1631

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview of 12/2/2010.
2. ☒ The allowed claim(s) is/are 17-24,26,27, 86 and 90-100.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 12/2/10.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

**Allowance**

1. The time period for paying the issue fee is hereby reset to the mailing of this supplemental Allowance.
2. A supplemental Allowance is included herein to **replace** the Examiner's amendment in the Allowance of 9/30/2010.

***Election/Restrictions***

The restriction set forth in the office action of 10/11/2006 is hereby withdrawn.

Withdrawn claims 28-36 and 88-89 are hereby rejoined.

Claims 28-36 and 88-89 are cancelled.

Claims 17-24, 26, 27, 86, 90-96 and 97-100 are allowed.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Warren Cheek on 9/21/2010.

The application has been amended as follows:

In the claims, add new claims:

97. A method of analyzing a polynucleotide, which method comprises:  
applying a labeled polynucleotide or fragment thereof to the apparatus according to claim 17 under hybridization conditions, and  
analyzing the polynucleotide or fragment thereof by observing the regions where the polynucleotide or fragment thereof hybridizes and the regions where the polynucleotide or fragment thereof does not hybridize.

98. A method of comparing polynucleotide sequences, which method comprises: applying the polynucleotides to the apparatus according to claim 17 under hybridizing conditions, and observing differences between the patterns of hybridization.

99. A method of analyzing a polynucleotide, which method comprises:  
applying a labeled polynucleotide or fragment thereof to the apparatus according to claim 86 under hybridization conditions, and  
analyzing the polynucleotide or fragment thereof by observing the regions where the polynucleotide or fragment thereof hybridizes and the regions where the polynucleotide or fragment thereof does not hybridize.

100. A method of comparing polynucleotide sequences, which method comprises: applying the polynucleotides to the apparatus according to claim 86 under hybridizing conditions, and observing differences between the patterns of hybridization.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Skibinsky whose telephone number is (571) 272-4373. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran can be reached on (571) 272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anna Skibinsky /AS/  
Examiner, Art Unit 1631

/Marjorie Moran/  
Supervisory Patent Examiner, Art Unit 1631

**Issue Classification**

Application/Control No.

10772467

Applicant(s)/Patent Under Reexamination

SOUTHERN, EDWIN

Examiner

ANNA SKIBINSKY

Art Unit

1631

**ORIGINAL****INTERNATIONAL CLASSIFICATION**

CLASS

SUBCLASS

CLAIMED

NON-CLAIMED

536

24.3

C

0

7

H

21 / 02 (2006.01.01)

C

0

7

H

21 / 04 (2006.01.01)

C

1

2

M

1 / 16 (2006.01.01)

C

1

2

Q

1 / 66 (2006.01.01)

**CROSS REFERENCE(S)**

CLASS

SUBCLASS (ONE SUBCLASS PER BLOCK)

435

267.2

268.4

6

☐ Claims renumbered in the same order as presented by applicant
 ☐ CPA
 ☐ T.D.
 ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	17	19	95												
2	16	20	96												
3	19	11	97												
4	20	12	98												
5	21	21	99												
6	22	22	100												
7	23														
8	27														
9	26														
10	27														
11	96														
12	90														
13	91														
14	92														
15	93														
16	94														

/ANNA SKIBINSKY/  
Examiner, Art Unit 1631

2/22/2010

Total Claims Allowed:

22

(Assistant Examiner)

(Date)

/Marjorie Moran/  
Supervisory Patent Examiner, Art Unit 1631

01/06/2011

O.G. Print Claim(s)

O.G. Print Figure

(Primary Examiner)

(Date)

1

none